STRAITS SETTLEMENTS REPORTS.

REX vs. CAPTAIN DOUGLAS MARR.

[App. Crim. Juris. (Worley, J.) June 26, 1941]

Evidence — Corroboration of accomplice evidence — Criminal Procedure Code S. 182 (f) — Misdirection on material evidence — Appeal.

This was an appeal against the acquittal of the respondent on a charge of gross indecency under Section 377A of the Penal Code. At the close of the prosecution case in the trial court, it was submitted on behalf of the present respondent, that he had no case to meet as the material evidence was that of an accomplice and there was insufficient corroboration of this evidence. The learned Magistrate overruled this submission and called on the accused to enter on his defence. At the end of the case he acquitted the accused on the ground that there was no corroboration of the evidence of the accomplice, who he said was completely unreliable and unworthy of credit.

Held, (1) that as the Magistrate had overruled the submission made under paragraph (f) of Section 182 Criminal Procedure Code, it must be assumed that at that stage he found a case had been made out against the respondent which, if unrebutted, would warrant his conviction; in other words, that at that stage, he was prepared to accept the accomplice as a reliable witness and was of opinion that there was a sufficient corroboration of his evidence.

(2) that it was therefore contradictory for the Magistrate to acquit the accused at the end of the case on the ground that the accomplice was completely unreliable and unworthy of credit and that there was no corroboration of his evidence.

(3) that the Magistrate has misdirected and confused himself on the material evidence and that therefore the case should be sent for retrial.

Cases referred to:—

(1) *Rex vs. Halkett* 101 Law Times 603.

(2) *Rex vs. Baskerville* (1916) 2 K.B. 658.

(3) *Rex vs. Draper* (1929) 21 C.A.R. 147.

(4) *Rex vs. Winfield* (1939) 27 C.A.R. 139.

R. H. Green for the Crown.

D. K. Walters for the Respondent.

The facts and arguments sufficiently appear from the judgment.

Worley, J.—This is an appeal against an order of the Second Magistrate, made in exercise of the powers of a District Judge on the 16th April, 1941, acquitting the Respondent on a charge of gross indecency under section 377A of the Penal Code.

The grounds of appeal were:—

(1) That the acquittal of the accused was against the weight of evidence and the probabilities of the case.

(2) That the Magistrate misdirected himself as to the effect of the corroboration present and as to the nature of the corroboration required.

(3) That the Magistrate erred in law in excluding evidence as to the accused's conduct subsequent to the incident which formed the basis of the charge.

Mr. Walters for the respondent made a preliminary objection to the jurisdiction, which I overruled stating that I would give my reasons later. He contended that the legislature in providing in section 300 of the Criminal Procedure Code that no appeal against an order of acquittal shall lie except at the instance of the Public Prosecutor, intended that no one else other than the person designated should bring such an appeal, and that although the Code provided for the appointment of Deputy Public Prosecutors, it was not intended to allow such deputies to bring appeals under this section. Mr. Walters cited the case of *Rex v. Halkett*[1], in which it was held that for the purpose of a prosecution under the Sunday Observance Prosecution Act, 1871, the consent of a Chief Officer of Police could not be given by a police officer who. by the resolution of a Watch Committee of a Council had been duly appointed to act in the absence of the Chief Officer as his Deputy and who was, in fact, so acting. That case can be distinguished from the circumstances of this appeal by the fact that the deputy to the Chief Constable was appointed by an administrative body whereas the deputies to the Public Prosecutor are appointed in exercise of a statutory power conferred by the same statute as confers the power to appeal against an acquittal.

He further contended that the appointment by the Governor of Deputy Public Prosecutors, published as Gazette Notification No: 2263 of 1932, to exercise (inter alia) the functions and duties of the Public Prosecutor under Chapter XXVIII of the Code does not confer upon them the "privilege", as Mr. Walters termed it, of lodging an appeal against an acquittal which is conferred upon the Public Prosecutor by section 300. Thirdly, Mr. Walters took the objection that the proceedings were not, as they should be, brought in the name of the Public Prosecutor; on page 1 of the record the Appellant is referred to as the "Deputy Public Prosecutor"; the Notice of Appeal filed under subsection (1) of section 302 reads: "The Deputy Public Prosecutor, Singapore, hereby gives notice of appeal"; and the Petition of Appeal itself is stated to be "The petition of the Attorney-

General, Straits Settlements". He pointed out that section 402 of the Code, and particularly subsection (2) thereof, draws a distinction between a Deputy Public Prosecutor and the Public Prosecutor, and that it was clearly intended that not every person who is appointed to exercise the powers of a Deputy Public Prosecutor is to be regarded as the Public Prosecutor himself. No doubt this distinction is well-grounded and it may be that there are powers conferred upon the Public Prosecutor which may not, or ought not, to be delegated to his deputies, but I can find no ground for holding that in Section 300, the legislature intended to refer to the Public Prosecutor as *persona designata* or for drawing a distinction between the meaning of the term Public Prosecutor as used in this section, and its meaning as used in many other sections of the Code, e.g. section 139 which provides that a prosecution shall not be instituted in the specified cases except with the previous sanction of the Public Prosecutor. It has never, in my experience, been contended that the powers under section 139 cannot be delegated to and exercised by a Deputy Public Prosecutor, and I observe that in places where the legislature clearly intended that the Attorney-General should himself exercise functions or duties, it has taken care to designate him by the title of "Attorney-General": see, for instance paragraph (c) of section 138 (1), section 140, section 404 and section 405 (3).

I can find no support either for the contention that the exercise of the power to appeal against an acquittal under section 300 is not a function or duty of the Public Prosecutor but is a privilege conferred upon him. The power thus conferred is in no way comparable to a privilege; compare for example, the type of privilege conferred on public servants under the Public Servants Protection Ordinance; and I have no doubt that when, in his discretion, the Public Prosecutor decides to exercise his power under section 300, he is performing a function, or a duty.

Turning to the technical objections to the form of the record, the first page is prepared in the Magistrate's Court and any defect in that cannot be attributed to the Appellant. The Notice of Appeal is, I think, inaccurate in referring to the Deputy Public Prosecutor Singapore, but it is signed "By the authority of His Majesty's Attorney-General, E. N. Griffith-Jones, Deputy Public Prosecutor", and gives the address for service as "The Attorney-General's Chambers, Singapore", and this, in my opinion, is a sufficient compliance with the requirements of the Code. Even if this were not so, I do not see how this objection could avail the Respondent, since the Notice is given to the Court whose order is being appealed against and is not required to be served on the Respondent. The Petition begins: "The petition of the Attorney-General, Straits Settlements", and is signed "By the authority of His Majesty's Attorney-General, E. N. Griffith-Jones, Deputy Public Prosecutor". This form of signature has probably been adopted from the form prescribed in section 181 of the Code for the signature of charges in High Court, and since section 402 prescribes that the Attorney-General shall be the Public Prosecutor, I can see no objection to it. While on this point, I may refer to Mr. Walters' complaint that his first official intimation of this appeal was received nearly seven weeks after the Respondent had been acquitted. In this case, the order of acquittal was made on the 16th of April and Notice of Appeal lodged on the 25th. I understand that a copy of the notes had been supplied by the Magistrate's Court in the interval and had been considered before notice of appeal was lodged. The Magistrate's grounds of judgment were not served upon the Deputy Public Prosecutor until the 20th of May and the Petition of Appeal was lodged on the 27th of May. This was a simple case and it is not apparent why the learned Magistrate should have taken the great part of a month to write his grounds of judgment. I am well aware that the Magistrates' Courts in this Settlement are always kept busy, but, however busy they may be, it is obviously desirable that an appeal against an acquittal should be disposed of as early as possible, and I express the hope that in future cases a Magistrate whose order is being appealed against will bear this consideration in mind.

Turning now to the merits of the appeal, the case for the Crown in the Magistrate's Court was that towards midnight on the 13th of March this year, the Respondent when driving along Stamford Road, Singapore, stopped and took into his motor car a young male prostitute named Sudin bin Daud; that this boy got into the front seat of the car and then climbed over into the back seat; that the Respondent drove him to his boarding house at No. 2, Tanglin Hill, a distance stated to be about 3½ miles, where the Respondent took the youth into the room he occupied and there committed with him an act of gross indecency, paid him $2.10 and then sent him away. The evidence as to what took place in Stamford Road was given by Sudin and corroborated by one Abdul Rashid bin Mohamed Dorn and by one Tan Ah Leng, an older man than Sudin, who admitted that he had

formerly been a male prostitute and that he was a police informer. There was no eye-witness, other than Sudin and the Respondent, to what took place in the Respondent's room, but the prosecution relied strongly upon two facts which they alleged constituted corroboration of Sudin's account of what took place there.

In considering these facts, it is necessary to recall the history of the case. On the 16th of March, Detective No. 17, acting on information received, met Sudin in Stamford Road and offered to buy from him a pawnticket which he knew to be in Sudin's possession. On Sudin producing the pawnticket, he was arrested and the pledge recovered. It proved to be a watch which was subsequently shown to be one which had been lent to the Respondent by a brother officer, and to have been standing on a table in the Respondent's room on the night when Sudin was taken there. Although the statements made by Sudin to the Police were not admissible in evidence, it was evident that he told the police where, and on what occasion, he had obtained the watch, and that he also told them that on the same occasion he had left behind, in the Respondent's room, a sports shirt. On the 18th of March, Mr. Wilson, an Assistant Superintendent of Police, was taken by Sudin to No. 2, Tanglin Hill, and directed to the room occupied by the Respondent. The Respondent was in the room at the time and in his presence Mr. Wilson searched an almeirah where he found a brown towelling sports shirt which was later identified by Sudin as the one which he had left behind him on the night of the 13th. It was found roughly folded up at the bottom of a pile of clean clothes on a shelf. The Respondent denied any knowledge of the shirt, or of the theft of the watch. The house-boy, who looks after the room, also denied any knowledge of the shirt.

On some date, which does not appear in the record, Sudin was charged with the theft of the watch and with an offence under section 377A committed with the Respondent. He pleaded guilty to both charges and was sentenced to nine months' rigorous imprisonment on each. Subsequently, the Respondent was charged with this offence and claimed trial.

At the trial, Sudin's evidence was not contested except as to events which occurred in the Respondent's room. On these, he was closely cross-examined, re-examined and then further examined by the learned Magistrate, in the course of which he made a number of inconsistent statements, particularly as to the actual commission of the offence charged, his final explanation to the Magistrate being that it was not he but the Respondent who committed an offence as he was merely a passive agent in what was done. At the conclusion of this evidence, the Magistrate made the following note on his demeanour: "A thoroughly unreliable witness, but obviously very frightened of something." This evidence was followed by the evidence corroborating the events which took place in Stamford Road and the finding of the shirt, and at the close of the case for the prosecution, Mr. Walters made a submission under section 182 (f) of the Criminal Procedure Code that there was no case to answer. The Magistrate after hearing Mr. Green, who appeared for the Crown, ruled that the case should proceed. The Respondent then gave evidence on oath in which he stated that, in pursuance of his duty as Deputy Assistant Provost Marshal of the Fortress, he conceived the idea of enquiring to what extent soldiers of different regiments of the garrison were involved in homosexual vice, and thought it would be a good idea to question one of the male prostitutes concerned. With this object in view, he had stopped in Stamford Road and taken the boy Sudin into his car thinking that he was an Indian and that he might get some information out of him. The Respondent speaks Hindustani but no Malay, and Sudin apparently does not speak English. The Respondent drove the boy to his room in the boarding house where he spoke to him in Hindustani but could get no reply. whereupon he sent the boy away, giving him about a dollar in silver. He denied that anything improper had taken place between them, denied that the boy took off his shirt while the Respondent was in the room, and denied any knowledge of the disappearance of the watch. According to him, the boy was in his room only about eight minutes.

The other evidence called for the Defence related to the identification parade and is of no great materiality. After hearing addresses of counsel, the learned Magistrate acquitted the Respondent and although he did not, at the time, record any reasons it is agreed that he stated orally that he disbelieved Sudin and believed the Respondent's story.

It is evident, that the issue before the Magistrate was purely one of fact and it is well recognised that an appellate tribunal will not interfere with a finding of fact by a Court which has had the advantage of hearing and seeing the witnesses, unless it appears that the conclusions reached are vitiated by misdirection and are against the weight of evidence fairly considered. It is, therefore, necessary to examine the

grounds on which the learned Magistrate based his finding that the evidence of Sudin was unreliable and that of the Respondent reliable.

Prima facie, the issue before the learned Magistrate at the close of the case was a very simple one and amounted merely to this: what took place in the room between Sudin and the Respondent? The Magistrate having overruled the submission made under paragraph (f) of section 182, it should be clear that at that stage he found a case had been made out against the Respondent which, if unrebutted, would warrant his conviction. In other words, that at this stage, he was prepared to accept Sudin though an accomplice as a reliable witness and was of the opinion that there was sufficient corroboration of his evidence. Mr. Walters, however, stated that although he made the submission, he informed the Magistrate that he did not press it because his client was ready and anxious to refute the charge upon oath. It is agreed that the precise terms of section 182 (f) were not brought to the notice of the Magistrate and Mr. Walters asks me to assume that the Magistrate was influenced, in over-ruling his submission, by the desire to give the defence an opportunity to rebut the allegation of misconduct.

An examination of the grounds of judgment shows that the learned Magistrate treats both Sudin and Tan Ah Leng as being completely unreliable and unworthy of credit and finds that there was no corroboration of Sudin's evidence of what took place in the room, so in trying to find out what was in the Magistrate's mind at the time, I am in the dilemma of being forced to conclude either that he ignored the mandatory provisions of paragraph (f) of section 182, or that he changed his opinion as to the evidence between the date of trial and writing the judgment. Either conclusion is unsatisfactory. Although section 182 (f) was not specifically referred to, it merely embodies the well-known principle of English law that the prosecution must make out a case which, if unrebutted, would warrant a conviction, and I cannot think that this could have been entirely absent from the learned Magistrate's mind. The contradiction between his ruling and his judgment, is one of the most unsatisfactory features of the case.

Turning to the judgment, the learned Magistrate very properly addresses himself to the necessity of corroboration in a case of this kind, and to the nature of the corroboration required; and in dealing with this aspect of the case, he makes the following remarks:—

"It is known to the Court in cases which appear from time to time that the Singapore catamite is a blackmailer of the cleverest kind. In the present case, the boy Sudin was found in the company of the man Tan Ah Leng, a man of considerable mental powers and shrewdness. It would therefore not be safe to assume that the boy Sudin was ignorant of any of the arts of blackmail or of the other vileness of which catamites may be capable, if indeed he was not a tool in the hands of the cleverer man."

Now, in this case, there was not the slightest evidence of any attempt or intention to blackmail, nor, indeed, was any such suggestion put forward by the defence. The need for corroboration of the evidence of accomplices is based upon other reasons than the possibilities of blackmail and it appears to me that the learned Magistrate only confused his mind by the introduction of this irrelevancy.

The Magistrate then goes on to deal with the evidence of Tan Ah Leng, whom he describes as "an accomplice of the boy Sudin had his evidence ever come in issue." It is not clear what the last part of this sentence means. The only issue as to Tan Ah Leng was whether he was telling the truth, and his evidence was never questioned by the defence but was, in fact, corroborated by the Respondent himself. It is still less clear how Tan Ah Leng could possibly be an accomplice of Sudin: the evidence was that he was with Sudin when the Respondent came along and that when Sudin entered the Respondent's motor car, Tan Ah Leng approached the car and heard some conversation, but there is no evidence, nor was it ever suggested, that he took any part in the conversation, or in any arrangement which was made between Sudin and the Respondent, or that he had any knowledge of or any part in what took place in the Respondent's room at Tanglin Hill. Elsewhere in the judgment the learned Magistrate refers to Tan Ah Leng as "undoubtedly a highly undesirable character and in the view of the Police a procurer and a seller of information." No doubt Tan Ah Leng is an undesirable but the last part of this conclusion appears to be based on the following answers in Tan Ah Leng's evidence given in reply to questions from the Bench. "Yes, I am a Police informer. No I am not a procurer. If the Police say I am a procurer they are telling lies." There was in fact no evidence or suggestion by anybody that Tan Ah Leng was a procurer, yet the learned Magistrate appears to have accepted it as a proved fact and to have based on it a theory of the relations of Tan Ah Leng and Sudin which was in no way justified by the evidence and which appears to have influenced his whole attitude towards this case. I can only conclude that the learned Magistrate was so confused in his mind as to Tan Ah Leng's evidence as not to be able to weigh it properly.

The Magistrate then deals with the inconsistencies in Sudin's evidence and concludes: "after hearing all the evidence in the case, it was abundantly clear to me that no Court could convict on the evidence of Sudin as it stood. There is, to my mind, no corroboration which fits in with the requirements stated above", i.e. in the case of *Rex v. Baskerville*[2]. In support of this finding, Mr. Walters urged that if the Magistrate did not accept the accomplice as a reliable witness the question of corroborative evidence becomes unimportant. He referred to *Rex v. Draper*[3], in which Mr. Justice Avory, delivering the judgment of the Court of Criminal Appeal, said that it was misleading for a judge to tell a jury "that what they had to do was, in the first place, to make up their minds whether they believed the girl's evidence and then ask themselves was there anything else in the case which confirmed her story" but this case seems to assist his argument less than the view expressed by Humphreys J. in *Rex v. Winfield*[4]:—

"The jury should have been told that before they could convict, they must first make up their minds that they were prepared to accept the complainant's evidence as reliable and that, having so made up their minds, they should look to see whether there was any corroboration of that evidence."

But, however desirable such a course may be in theory, it is probably impossible to prevent, in the mind of a tribunal which is deciding facts, the inter-play of the evidence which is to be corroborated and of the corroborative evidence. Much must depend upon the nature and the corroborative value of the additonal evidence rendering it probable that the story of the accomplice is true and that it is reasonably safe to act upon it. However that may be I should readily accept this finding if I could get over the difficulty of reconciling the Magistrate's view of the witness with his ruling on the submission of no case to answer and if I could feel satisfied that he had made full judicial use of the opportunity given him by hearing and seeing the witness. The Magistrate formed the view that Sudin's evidence in chief was a concocted story because of the contradictions in his cross-examination. But contradictions in the evidence of a nervous witness under cross-examination are not necessarily or always a sign of untruthfulness: his evidence must be considered as a whole and I cannot avoid the conclusion that the Magistrate was mainly persuaded to this view by an untenable "theory of the case" based upon misdirections as to the evidence of Tan Ah Leng and as to the finding of the shirt.

On the question of the nature of the corroborative evidence required Mr. Walters stressed that in this case what is required is corroboration of the commission of an act of gross indecency, and admitted that on the facts such corroboration would also amount to corroboration of the Respondent being a person who had taken part in such act, since it was admitted that he and Sudin were alone together in the room. Now possession of the watch by Sudin could be considered as some evidence that he had been in the Respondent's room, and the finding of the shirt in the Respondent's room is consistent with his story that, while he was there, he undressed and left the shirt behind him when he came away. The evidence of the Respondent and of Tan Ah Leng is that Sudin was wearing a coat, so if Sudin's story is correct he was presumably wearing this shirt underneath the coat when he went into the room. On the other hand, the story put forward by the Respondent provides no explanation of the presence of the shirt in his room, and he himself stated, in cross-examination, that he could not see who could have "planted" the shirt, or what point there was in so doing. In my opinion, therefore the finding of the shirt was evidence which the learned Magistrate might reasonably have considered as "additional evidence rendering it probable that the story of the accomplice is true and that it is reasonably safe to act upon it"; but, unfortunately, in weighing this evidence, he materially misdirected himself by assuming that Sudin had told the police officer to look in the almeirah for the shirt, from which he concluded that Sudin must have placed it there intentionally. There was no evidence to warrant the assumption that Mr. Wilson knew where in the room he would find the shirt or, indeed, that he could be certain of finding it at all, and it was admitted in the argument before me that Mr. Wilson did not have this knowledge.

In conclusion, the learned Magistrate sets out the theory which he had formed of the case in the following words:—

"It appears that when Sudin was arrested for the theft of the watch through information supplied by Tan Ah Leng, or some other informer, he undoubtedly framed this charge against Captain Marr as a reprisal which would find favour in his cunning little mind and give him opportunity for his vile imagmings. Whether he had already planted the pull-over, or whether it was planted later by Tan Ah Leng or some other party, it is impossible now to ascertain."

This conclusion displays considerable confusion of thought and I find it difficult to reconcile the picture here drawn of Sudin with the learned Magistrate's previous descriptions of him as being "obviously very frightened of something", "incredibly timid", "cringing" and "considerably undeveloped mentally with a species of cunning rather than brains." If the learned Magistrate formed this theory of the case during the proceedings, as would appear from his judgment to

have been the case, it would have been better for him to have expressed it so that it could have been tested by questioning Mr. Wilson as to whether Sudin was allowed bail, thereby securing an opportunity either to "plant" the shirt himself, or to arrange for Tan Ah Leng, or some other person, to "plant" it. It was stated before me that Sudin was not granted bail, and this fact appears to me completely to dispose of the theory that the shirt was "planted" after Sudin's arrest. If, as the Magistrate suggests, it was "planted" before his arrest, this is quite inconsistent with the theory that the charge against the Respondent was framed as a reprisal.

For these reasons, I am of opinion, that the Magistrate so misdirected and confused himself on the material evidence in the case that his conclusions on the evidence of Sudin and the corroborative evidence cannot stand.

Mr. Walters urged that, even allowing that the Magistrate had erred, the order of acquittal should stand. It is well recognised that an appellate Court will not interfere with an acquittal by the trial Court if it is shown that the case for the prosecution was such that it would not be safe to convict, quite apart from any question of misdirection and Mr. Walters endeavoured to shew that this principle should be applied here. I am, however, unable to accept the view that no Court would reasonably have held that there was a case to meet at the close of the prosecution. If I were prepared to consider changing the verdict of acquittal into a conviction without seeing the witnesses, I would give full weight to the various possibilities of the case put forward by Mr. Walters, but in such a matter as this where the issue is which of two witnesses is to be believed, a Court which has not seen and heard the witnesses is at a grave disadvantage. Although the learned trial Magistrate had this advantage, I am unable for the reasons stated to regard as satisfactory the manner in which he weighed the evidence and considered the probabilities of the case and I, therefore, propose to send the case for re-trial. I refrain from expressing any views as to the merits of the suggestions put forward by Mr. Walters, for fear that such a finding might be deemed to influence the view of the Court which re-hears the case.

For the same reason, I refrain from expressing any final opinion on the third ground of appeal, lest it should fetter the judgment of that Court if the evidence is tendered on the re-trial. I would, however, say that I have always read subsection (2) of section 8 of the Evidence Ordinance as relating to conduct in connection with the offence charged. The conduct, of which evidence was tendered in this case, appeared to relate to or to suggest an intention to commit other offences, and at the moment I am of opinion that if the evidence were admissible at all, it would appear to be admissible under section 14 or section 15 of the Ordinance.

The order of acquittal will be reversed and I direct that the Respondent be re-tried on the same charge before a District Judge or another Magistrate appointed to exercise the powers of a District Judge.

Retrial ordered.

EXTRA ASSISTANT CONTROLLER OF LABOUR for and on behalf of Mohinder Singh and 36 others vs. SHAH SINGH AND ANOTHER; SUPERINTENDING CIVIL ENGINEER, H.M. NAVAL BASE, SINGAPORE (Garnishee).

[Orig. Civil Juris. (McElwaine, C.J.) October 14, 1941]

Procedure — Garnishee summons against Superintending Civil Engineer, H. M. Naval Base, Singapore — Jurisdiction — Courts Ordinance Ss. 88 and 89.

A garnishee summons notice and a garnishee summons were served on the Superintending Civil Engineer, H.M. Naval Base, Singapore as garnishee, and after hearing the summons the learned District Judge ordered the garnishee to pay a sum of money to the Bailiff on account of the judgment debtors out of money in his hands due to the judgment creditors. The money sought to be attached was due (if at all) to the judgment debtors under contracts made between them and the Lords Commissioners of the Admiralty.

Held, that there is no jurisdiction in any court in the Colony to compel the Lords Commissioners of Admiralty to pay any money in the absence of a submission to the jurisdiction.

Cases referred to:—

(1) *Poh Yee Choi vs. Shun Fah & Co., Paymaster, Malaya Command* (Garnishee) (1942) M.L.J. 6.

(2) *Simpson v. Crowle* (1921) 3 K.B. 243.

(3) *Grech v. Board of Trade* 39 T.L.R. 630.

(4) *R. v. Dennis* (1924) 1 K.B. 867.

(5) *Duff Development Co. v. Government of Kelantan* (1924) A.C. 797.

(6) *Attorney-General v. Hotham.* Turner and Russell 209.

MOTION.

Dr. Withers-Payne for Lords Commissioners of Admiralty.

C. H. Butterfield (Crown Counsel) for Assistant Controller of Labour.